

ORDINANCE NO. G – 2016 - 08

INTRODUCED BY: JONATHAN WEAVER
COMMITTEE: PUBLIC WORKS

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS THE RIGHT-OF-WAY OF HALLOCK/STODDARD ALLEY, IN THE CITY OF EVANSVILLE, INDIANA. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section I: That, pursuant to MEC Section 12.05.450, et seq., a sworn petition was presented to the Common Council of the City of Evansville, Indiana, requesting that the public place or public way described in Section III below be vacated by Evansville Health Realty, L.L.C.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council of the City of Evansville, Indiana, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, Indiana, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached as Exhibit A, which is made a part of this Ordinance:

All of the alley that lies south of Walnut Street between Lots 1 through 4, inclusive, and Lot 6 of Hallock and Stoddard Subdivision of Lot 196 in Donation Enlargement of the City of Evansville, as per plat thereof, recorded Plat Book A, page 200 and transcribed of record in Plat Book E, page 206 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described by metes and bounds as follows:

BEGINNING at the northern-most corner of Lot 1 in Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement; thence North 57 degrees 36 minutes 17 seconds East 9.50 feet along the southeasterly right-of-way of Walnut Street to the westerly-most corner of Lot 6 in said subdivision; thence South 32 degrees 25 minutes 43 seconds East 75.04 feet along the southwesterly line of Lot 6 to a point at the southerly-most corner of said Lot 6, also being on the northwesterly line of Lot 195 of Donation Enlargement; thence South 57 degrees 36 minutes 21 seconds West 9.50 along said northeasterly line of

FILED

FEB 01 2016

Jana Widner
CITY CLERK

said Lot 195 to the easterly-most corner of Lot 4 of Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement to the POINT OF BEGINNING

(the "Public Way")

Section IV. That the vacation of the public way described in Section III above shall be subject to the following easements::

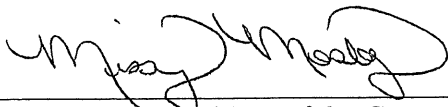
A. Evansville Water and Sewer Utility – An easement centered over the existing 18" combination sewer line that is as wide as the sewer line depth (rounded to the nearest 5 feet) through the Public Way;

B. Southern Indiana Gas & Electric Co., d/b/a Vectren Energy Delivery of Indiana, Inc. (the "Company") – An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities or above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked "Exhibit A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strip of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land; and

C. WOW! – A 12' easement for the placement and maintenance of telecommunications facilities that lie within the Public Way.

Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the public way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 22 day of February, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.



Missy Mosby, President of the Common Council,
City of Evansville, Indiana

ATTEST: Laura Windhorst
Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 24 day of Feb, 2016, at 3:00 o'clock P.m. for his consideration and action thereon.

Laura Windhorst
Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 25th day of FEBRUARY, 2016, at 10:00 o'clock A.m.

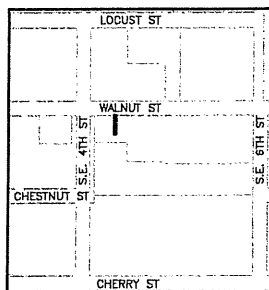
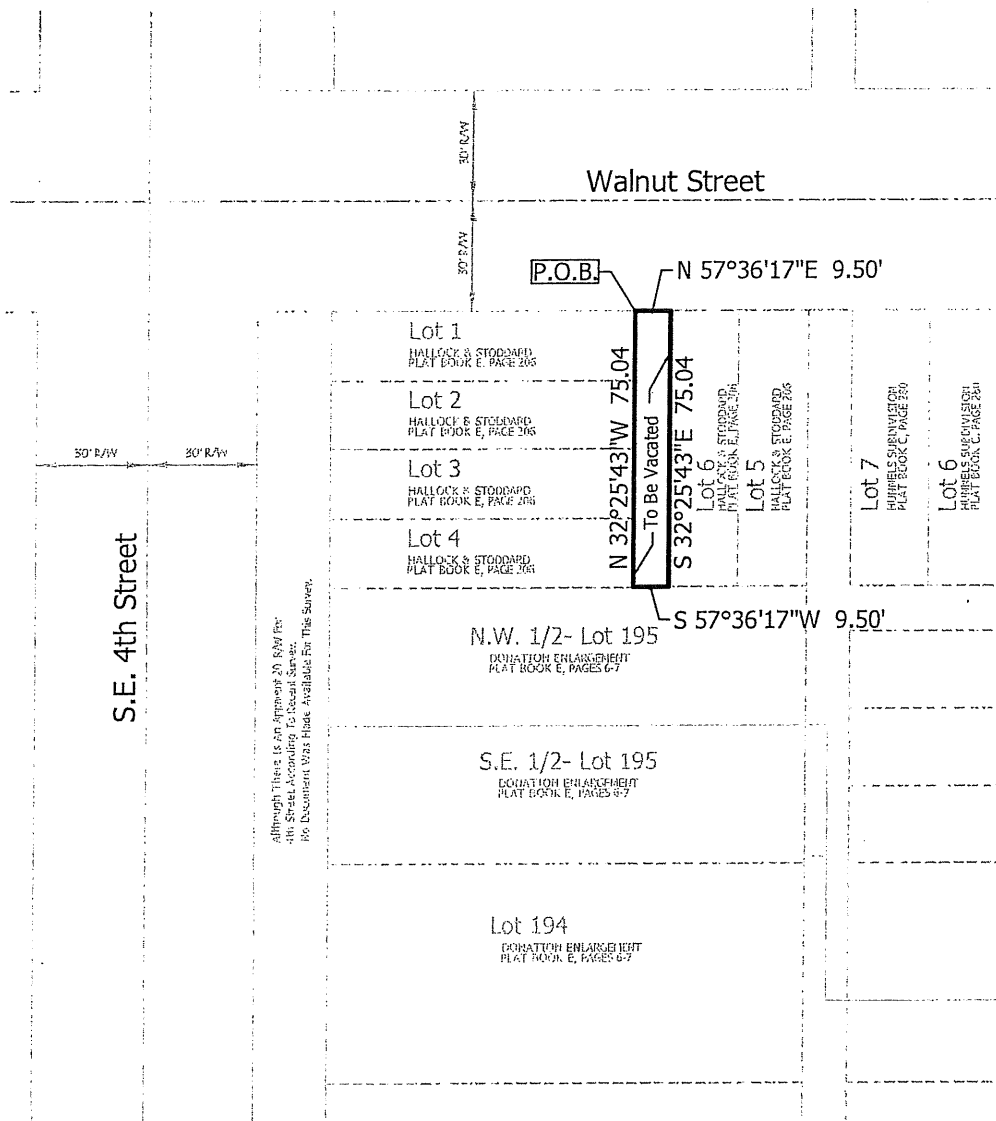
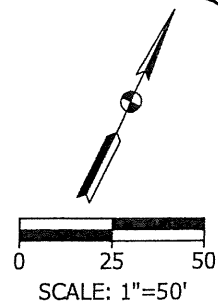
Lloyd Winnecke
Lloyd Winnecke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATION COUNSEL

H:\RE\Lochmueller Group-Med School\Vacations\Hallock-Stoddard\Ordinance.docx

EXHIBIT "A"

Date: Jul 10, 2015, 4:08PM User: J.A.F. DWG
 File: SA_294411-00-01PLOT AC (Vacation of Easement).dwg



ISSUED	0	DATE
REVISION	NO.	DATE

9.50 FOOT ALLEY VACATION DRAWING BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION

6200 Vogel Road Evansville, Indiana 47715
 Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY: D.A.G.	DATE: 3/24/15
CHECKED BY: J.A.F.	SCALE: 1"=50'
LOCH. GROUP PROJECT NO. 114-0070	

7. The following utilities have consented to the proposed vacation and do not require easements as evidenced by the letters attached hereto as Exhibit "E":

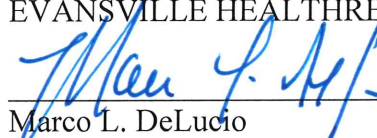
- AT&T
- City Engineer's Office and Department of Transportation Services
- Evansville Fire Department
- Time Warner Cable

8. The following utilities/departments have consented to the proposed vacation provided they are granted easements within the vacated Public Way as evidenced by their letters attached hereto as Exhibit "F":

- WOW!
- Southern Indiana Gas & Electric Company, d/b/a Vectren Energy Delivery of Indiana, Inc.
- Evansville Water and Sewer Utility

WHEREFORE, Evansville HealthRealty, L.L.C., respectfully requests the Common Council of the City of Evansville, Indiana to vacate the Public Way.

EVANSVILLE HEALTHREALTY, L.L.C.



Marco L. DeLucio

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

20 NW First Street, 9th Floor

P. O. Box 916

Evansville, Indiana 47706-0916

Phone: 812-424-7575

Fax: 812-421-5089

Attorney for Petitioner

APPROVED AS TO FORM


Ted C. Ziemer, Jr.

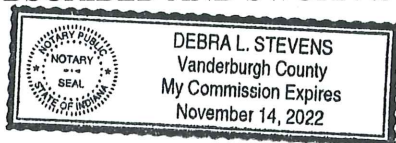
ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
P. O. Box 916
Evansville, Indiana 47706-0916
Phone: 812-424-7575
Fax: 812-421-5089

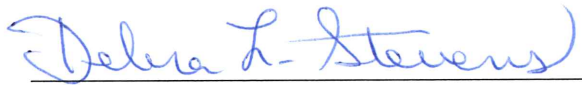
STATE OF INDIANA)

SS:

COUNTY OF VANDERBURGH)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 3rd day of June, 2016.




_____, Notary Public

County of Residence

My Commission Expires

EXHIBIT "A"

The applicant is:

Evansville HealthRealty, LLC
401 NW First Street
Evansville, IN 47708

The sole manager of Evansville HealthRealty, LLC is:

US HealthRealty, LLC
5000 Meridian Blvd, Suite 100
Franklin, TN 37064

EXHIBIT "B"

LEGAL DESCRIPTION

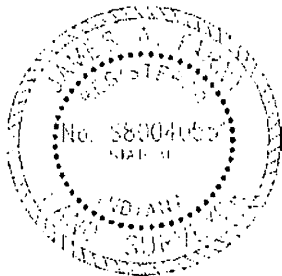
SEE ATTACHED PAGE

9.50 FOOT ALLEY VACATION DESCRIPTION
BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION
MARCH 24, 2015

All of the alley that lies south of Walnut Street between Lots 1 through 4, inclusive, and Lot 6 of Hallock and Stoddard Subdivision of Lot 196 in Donation Enlargement of the City of Evansville, as per plat thereof, recorded Plat Book A, page 200 and transcribed of record in Plat Book E, page 206 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described by metes and bounds as follows:

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Witness my hand and seal this 25th day of March, 2015.



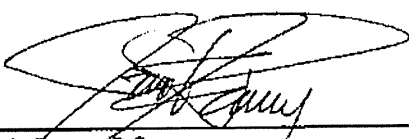

James A. Farny, P.S.
Indiana Registration No. S80040051

EXHIBIT "C"

PROPERTY OWNERS WITHIN 200 FEET

SEE ATTACHED PAGE

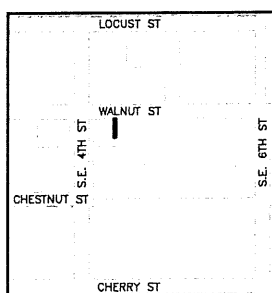
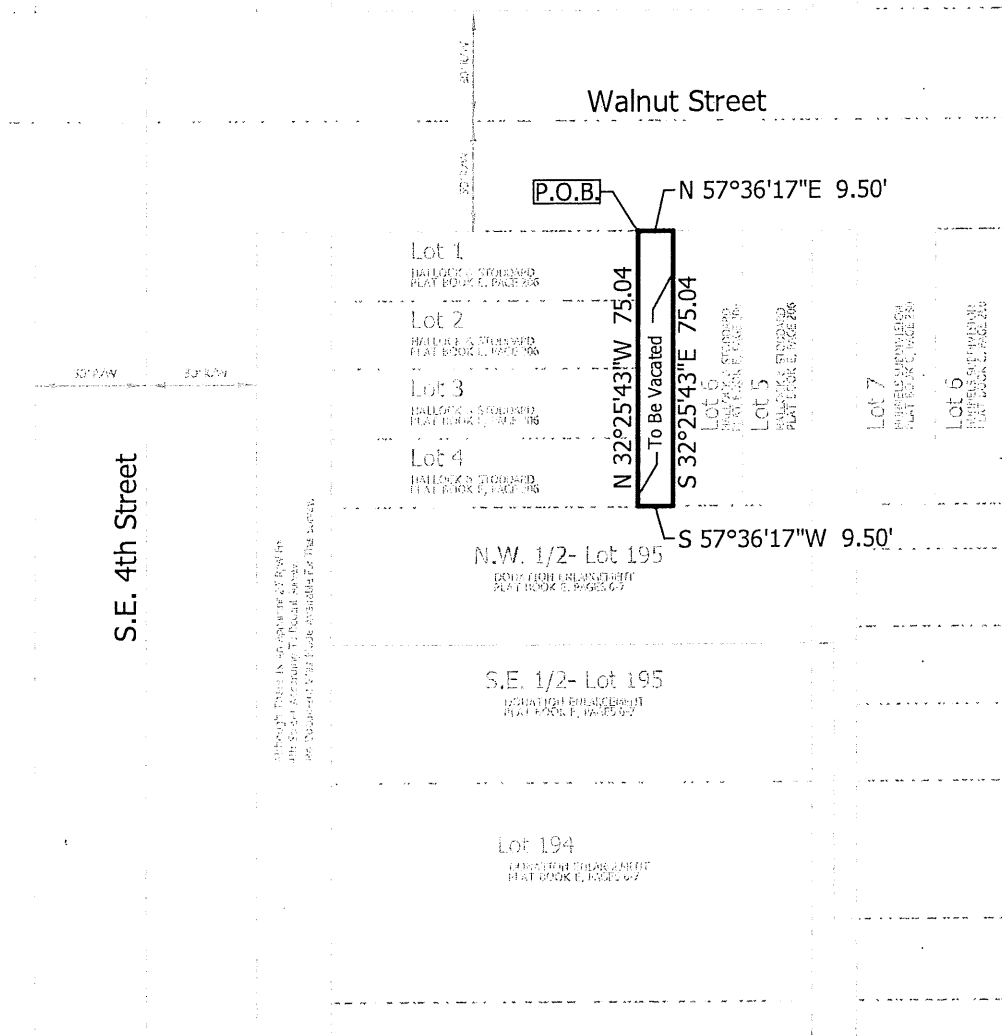
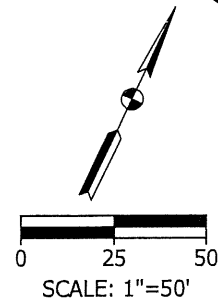
I U Medical - Alleys Street Vacations
 Abutting Property Owners
 January 29, 2016

Owner	Mailing Address	City	Zip	Property Address	Parcel No.
Alley Vacation between 4th/5th & Locust/Walnut					
Alley Vacation between Lots in Hallock/Stoddard					
Fifth Street Vacation between 4th & 6th S of Walnut St					
1	Chestnut Street Properties I LLC	215 SE 4th Street	Evansville IN 47713	215-225 SE Fourth St	82-06-30-020-020.004-029
02	HTA Evansville Fourth LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	212 SE Fourth St	82-06-30-020-030.018-029
03	HTA Evansville Main LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	216 SE Fifth St	82-06-30-020-032.015-029
04	HTA Evansville Main LLC	16435 N Scottsdale Rd-Ste 320	Scottsdale AZ 85254	421 Chestnut St	82-06-30-020-030.001-029
5	Crow, Robert T	5815 Madison Ave	Evansville IN 47715	318 Walnut St	82-06-30-020-019.016-029
6	Reising, Raymond F	1311 SE 2nd St	Evansville, IN 47713	102-104 SE Fourth St	82-06-30-020-029.009-029
6a	Reising, Raymond F	1311 SE 2nd St	Evansville, IN 47713	112-122 SE Fourth St	82-06-30-020-029.015-029
7	Holweger Mgt Partnership LP	955 A S Hebron Ave	Evansville IN 47714	508 Locust St	82-06-30-020-034.014-029
8	Hands On Discovery Inc	P.O. Box 122	Evansville IN 47701	22 SE Fifth St	82-06-30-020-034.017-029
9	City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 304	Evansville IN 47708	15 SE Fifth St	82-06-30-020-028.018-029
10	City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	22 SE Fourth St	82-06-30-020-028.001-029
11	Evansville Redevelopment Authority	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	601 Main St	82-06-30-020-040.001-029
12	City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	Pt Arena Tract	82-06-30-020-041.017-029
13	City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	614 Walnut St	82-06-30-020-041.010-029
14	HCW Evansville Hotel LLC, Attn: Richard Huffman	153 S. Payne Stewart Dr	Branson, MO 65616	601 Walnut St	82-06-30-020-106.001-029
15	City of Evansville Dept of Redevelopment	1 NW MLK Jr Blvd-Rm 306	Evansville IN 47708	225 SE MLK Jr Blvd	82-06-30-020-106.002-029
25	Rennie, Douglas A & Marla J Nichols-Rennie H/W	527 S Villa Dr	Evansville IN 47714	100 SE Fourth St	82-06-30-020-029.007-029
26	Luxury Leasing LLC	5701 Washington Ave	Evansville IN 47715	411-413 Locust St	82-06-30-020-029.010-029
27	LOML Properties LLC	101 SE Fourth St	Evansville IN 47708	101-105 SE Fourth St	82-06-30-020-019.007-029
28	Goldman, Robert T	107 SE Fourth St	Evansville IN 47708	107 SE Fourth St	82-06-30-020-019.008-029
29	Kissel, Matthew J	219 Oak Street Rear	Evansville IN 47713	113 SE Fourth St	82-06-30-020-019.010-029
30	Grampp, Glenn A	P.O. Box 3401	Evansville IN 47733-3401	115-117 SE Fourth St	82-06-30-020-019.011-029
31	Dodd, Jaya C	119 SE Fourth St	Evansville IN 47708	119 SE Fourth St	82-06-30-020-019.012-029
32	Dodd, Jaya C	119 SE Fourth St	Evansville IN 47708	123 SE Fourth St	82-06-30-020-019.013-029
36	New Odyssey Investments, LLC	200 N Green River Rd	Evansville IN 47715	201 SE Fourth St	82-06-30-020-020.001-029
37	Marshall, Shelby & Theresa	P.O. Box 252	Evansville, IN 47702	211 SE Fourth St	82-06-30-020-020.003-029

EXHIBIT "D"

SITE PLAN/LOCATION MAP

SEE ATTACHED PAGE



9.50 FOOT ALLEY VACATION DRAWING BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION			DRAWN BY: D.A.G.		DATE: 3/24/15
			CHECKED BY: J.A.F.		SCALE: 1"=50'
ISSUED 0			LOCHMUELLER GROUP 6200 Vogel Road Evansville, Indiana 47715 Phone: 812.479.6200 Toll Free: 800.423.7411		
REVISION NO. DATE			LOCH. GROUP PROJECT NO. 114-0070		

EXHIBIT "E"

UTILITY/DEPARTMENT LETTERS – NO EASEMENT REQUIRED

SEE ATTACHED PAGES



August 13, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First Street 9th Floor
PO Box 916
Evansville, Indiana 47706

Re: Evansville Health Realty, L.L.C.
Petition for Vacation of Right-of-Way – Hallock/Stoddard Alley

Dear Mr. Delucio,

I have reviewed our records related to your request for the vacation of the public way known as Hallock/Stoddard Alley, as depicted on your drawing titled "9.50 foot alley vacation drawing between lots 1-4 & 6 in Hallock & Stoddard Subdivision", sent to AT&T on 8/11/15.

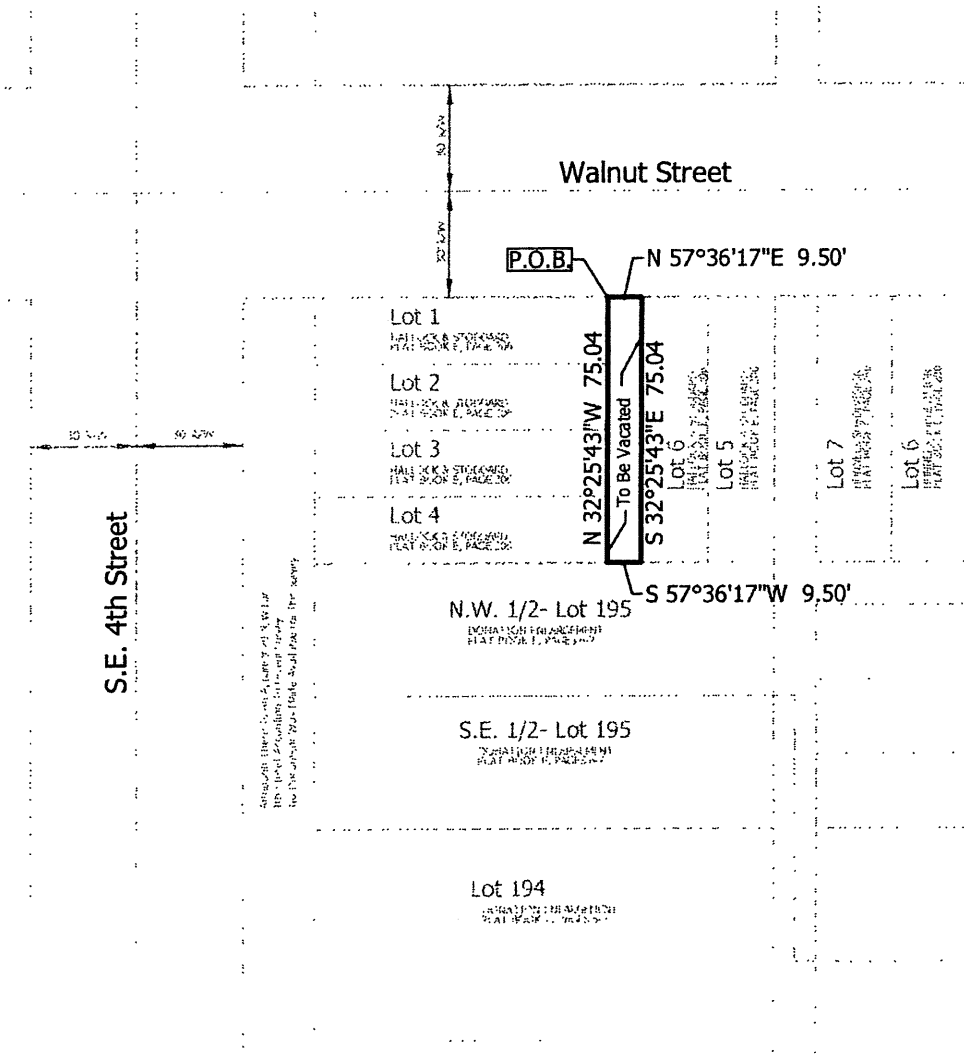
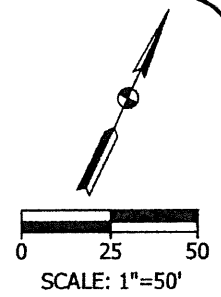
After reviewing our records I have determined that AT&T does not have facilities located within the indicated area. As such, AT&T has no objections to the vacation of Hallock/Stoddard Alley.

Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink, appearing to read "Andy Colz".

Andy Colz
AT&T Engineering Department
Office: 812-464-6055
Email: af1896@att.com



S.E. 4th Street

Walnut Street

P.O.B.

N 57°36'17"E 9.50'

N 32°25'43"W 75.04'

S 32°25'43"E 75.04'

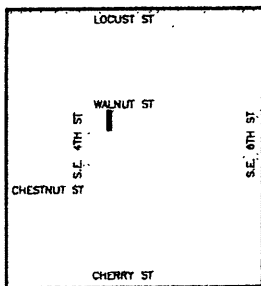
To Be Vacated

N.W. 1/2- Lot 195

S 57°36'17"W 9.50'

S.E. 1/2- Lot 195

Lot 194



<table border="1"> <tr><td>ISSUED</td><td>0</td></tr> <tr><td>REVISION</td><td>NO. DATE</td></tr> </table>				ISSUED	0	REVISION	NO. DATE	<p>9.50 FOOT ALLEY VACATION DRAWING BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION</p> <p>LOCHMUELLER GROUP</p> <p>6200 Vogel Road Evansville, Indiana 47715 Phone: 812.479.6200 Toll Free: 800.423.7411</p>		<p>DRAWN BY: D.A.G. DATE: 3/24/15</p>	
				ISSUED	0						
				REVISION	NO. DATE						
				<p>CHECKED BY: J.A.F. SCALE: 1"=50'</p>							
<p>LOCH GROUP PROJECT NO. 114-0070</p>											



City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

August 12, 2015

Marco L. DeLucio
Ziemer Stayman Weitzel Shoulders LLP
20 NW First Street
Ninth Floor, PO Box 916
Evansville, IN 47706-0916

Re: Proposed Vacation of Public Way, Hallock/Stoddard Alley, Evansville Health Realty, LLC

Dear Mr. DeLucio,

In regards to your letter dated August 11, 2015, the supplied legal description executed March 25, 2015, and the supplied drawing dated 3/24/15 (all attached for reference), the following comments are provided:

Our record search found no public facilities under the jurisdiction of this office situated within the area proposed for vacation. As such, vacation of this area would have no effect on future plans of this office. This office has no objections to the proposed vacation. Any plans for future improvements in this area will require the necessary submittals, approvals, and permitting procedures.

Thank you and please feel free to contact me if you have any questions.

Sincerely,

City Engineer's Office

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature appears to be "Chris Weil".

By: Chris Weil, P.E.
Assistant City Engineer

Attachments

Cc: File

Debbie Stevens

From: Cruse, Jim
Sent: Wednesday, August 12, 2015 8:35 AM
To: Debbie Stevens
Cc: jfarny@lochgroup.com; Schmitt, Brent A.
Subject: RE: IU Med Center

Debbie,

You will receive a response letter from the City Engineering Department which will also cover the Traffic Engineering Department.

Thanks,
Jim

From: Debbie Stevens [<mailto:dstevens@zsws.com>]
Sent: Tuesday, August 11, 2015 4:37 PM
To: Cruse, Jim
Cc: jfarny@lochgroup.com
Subject: IU Med Center

Mr. Cruse,

As you know, we represent Evansville Health Realty L.L.C. the developer for the IU Med School (the "Med School Project"). We are in the process of vacating a street and two (and maybe three) alleys for the Med School Project which will be accomplished by filing 3 (maybe 4) separate Petitions to Vacate. Attached is a letter requesting your input as required by the City Code for the vacation request. We would like to be in position to file this Petition by August 17. As such, your prompt attention to this matter would be appreciated

Please feel free to contact me with any questions you may have.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS & SONS, P.C.

ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

PHONE (812)424-7575 | FAX (812)421-5089 | ZSWS.COM

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ZIEMER STAYMAN
WEITZEL SHOULDERS LLP
ATTORNEYS AT LAW

20 NW FIRST STREET NINTH FLOOR PO BOX 916
EVANSVILLE INDIANA 47706-0916
PHONE 812 424 7575 FAX 812 421 5089
ZSWS.COM

Writer's E-mail: MDeLucio@zsws.com

August 11, 2015

VIA E-MAIL – baschmitt@evansville.in.gov

Brent A. Schmitt, P.E., City Engineer
Room 321
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – Hallock/Stoddard Alley

Dear Mr. Schmitt:

A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as Hallock/Stoddard Alley, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please review the same for any impact from the standpoint of the City Engineer's office as to public safety and tender your findings to me in writing.

Please do not hesitate to contact me via email or telephone with any questions.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

A handwritten signature in black ink, appearing to read "Marco L. DeLucio".
Marco L. DeLucio
Attorney for Petitioner

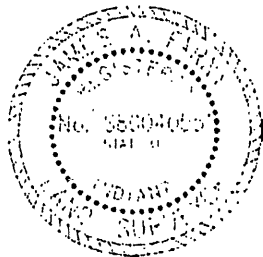
Enclosures

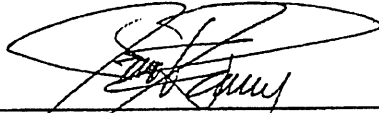
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BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION
MARCH 24, 2015

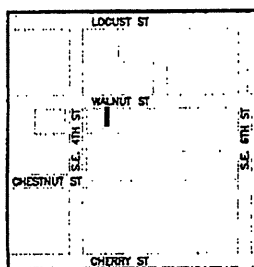
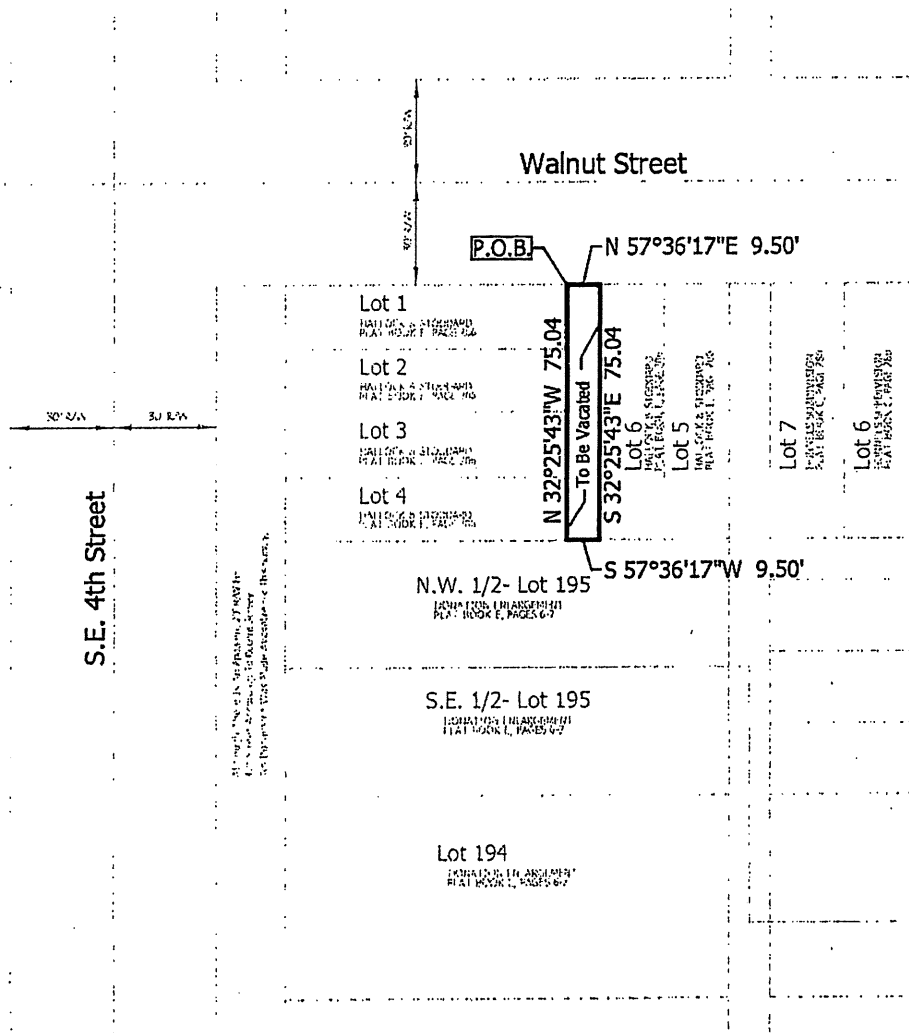
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Witness my hand and seal this 25th day of March, 20 15.




James A. Farny, P.S.
Indiana Registration No. S80040051



ISSUED	0	
REVISION	NO.	DATE

**9.50 FOOT ALLEY VACATION DRAWING
BETWEEN LOTS 1-4 & 6 IN HALLOCK
& STODDARD SUBDIVISION**



6200 Vogel Road Evansville, Indiana 47715
Phone: 812.479.6200 Toll Free: 800.423.7411

DRAWN BY: D.A.G.	DATE: 3/24/15
CHECKED BY: J.A.F.	SCALE: 1"=50'
LOCAL GROUP PROJECT NO. 114-0070	



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

August 14, 2015

Marco L. Delucio
Ziemer, Stayman, Weitzel & Shoulders
20 NW First Street, 9th Floor
PO Box 916
Evansville, IN 47706

RE: Petition for Vacation of Right-of-Way – Streets and Alleys listed below;

Mr. Delucio;

We recognize & acknowledge request for Vacation Right-of-way of area known as the Hallock & Stoddard Alley referenced on the Hallock & Stoddard Subdivision Drawing, Vacation Documents, Vanderburgh County, Indiana.

- 1) Existing easement for Hallock & Stoddard Alley, running southeast from Walnut Street, approx. 75.04' at a dimension of 9.50' in width. This roadway dead ends into a previously vacated section now known as Deaconess Clinic Parking Lot.

Existing Conditions: Street/Roadway

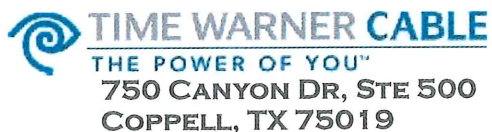
Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street/roadway.

Sincerely,

Dan Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428





October 12, 2015

Marco L. Delucio
ZSWS
20 NW First St 9th Floor | PO Box 916
Evansville, IN 47706

SUBJECT: IU Med Center - Vacation of Hallock Stoddard Alley

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment of Hallock Stoddard Alley in Evansville, IN.

If applicable, please contact the INDIANA Excavation Safety System (INDIANA 811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,


Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

EXHIBIT "F"

UTILITY/DEPARTMENT LETTERS – EASEMENTS REQUIRED

SEE ATTACHED PAGES

Marco DeLucio

From: Thomas Cheski
Sent: Monday, December 07, 2015 11:41 AM
To: Marco DeLucio
Cc: James Detalente
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street



December 7, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

RE: Petition for Vacation – Evansville Health Realty, L.L.C – Petition for Vacation of Right-of-Way – Hallock/Stoddard Alley

Dear Mr. Delucio,

The SIGECOM/WOW Outside Plant Engineering department reviewed Petition for Vacation of Right-of-Way – Hallock/Stoddard Alley.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation and will need to retain a 12 foot easement granted in its favor for placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon cost reimbursement for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by SIGECOM/WOW for conditional vacation is valid for one hundred and eighty (180) days.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cheski", is written over a light blue horizontal line.

Tom Cheski

Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com

From: Marco DeLucio [<mailto:mdelucio@zsws.com>]
Sent: Sunday, December 06, 2015 10:52 AM
To: Thomas Cheski
Cc: James Detalente; Christian Andersen
Subject: RE: Petition for Vacation of Right-of-Way - 5th Street

Mr Cheski,

Thanks for your letter of October 28 (see below). We have a couple of requests:

First, we believe there is a typo in your letter below in the second paragraph. I have highlighted the words South Englewood Ave. I believe this should read Fifth Street. If you agree, please re-issue a corrected letter.

Second, we have also not received responses to vacation requests we sent to WOW back in August-both of which related to the same IU Medical School Project. Attached are those letters. Would you kindly let us know if WOW approves these other two vacation requests and whether any easements need to be maintained in the alleys to be vacated?

We await your response.

MARCO L. DELUCIO



ZIEMER STAYMAN
WEITZEL SHOULDERS LLP

ATTORNEYS AT LAW

20 NW FIRST STREET 9TH FLOOR | PO BOX 916
EVANSVILLE INDIANA 47706 0916

PHONE (812)424-7575 | FAX (812)421-5089 | ZSWS.COM

This e-mail message is for the sole use of the intended recipient(s), and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Thomas Cheski [mailto:thomas.cheski@wowinc.com]
Sent: Wednesday, October 28, 2015 10:59 AM
To: MDeLucio@zsws.com
Cc: James Detalente; Christian Andersen
Subject: Petition for Vacation of Right-of-Way – 5th Street

October 28, 2015

Marco Delucio
Ziemer Stayman Wetzel Shoulders LLP
20 NW First St. 9th Floor
PO Box 916
Evansville, IN 47706

Re: Evansville Health Realty L.L.C.
Petition for Vacation of Right-of-Way – 5th St.

Mr. Delucio,

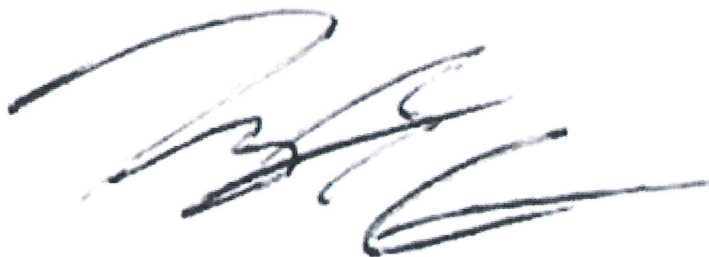
The SIGECOM/WOW Outside Plant Engineering department reviewed the request for the vacation of the 5th St. right-of-way Between Walnut and Chestnut Streets as depicted on your drawing titled “Vacation of 5th Street Drawing. The findings of this review determined that SIGECOM/WOW does have aerial cabling facilities within the right-of-way of the 5th St. right-of-way Between Walnut and Chestnut Streets in Evansville, Indiana.

As a result of these findings, SIGECOM/WOW does not object to the proposed vacation of the 5th St. right-of-way. SIGECOM/WOW will need to retain an easement granted in its favor on **South Englewood Avenue** for the placement and maintenance of telecommunication facilities that lies within this said vacation petition. If utilities are requested to be relocated SIGECOM/WOW will relocate granting a mutually agreed upon easement for relocation and cost reimbursement plan for the SIGECOM/WOW facilities located within the subject right-of-way area.

This letter granted by Wide Open West for said vacation is valid for one hundred eighty (180) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,



Tom Cheski
Construction Engineer
WOW! Internet-Cable-Phone
Office – 812-437-0395
Mobile – 812-470-4572
Email – thomas.cheski@wowinc.com



LLOYD WINNECKE
MAYOR

EVANSVILLE WATER & SEWER UTILITY

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 · Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 · FAX (812) 436-7863 · TDD (812) 436-7864

August 13, 2015

Mr. Marco L. DeLucio
20 NW First Street, 9th Floor
P.O. Box 916
Evansville, IN 47706-0916

Re.: Proposed Vacation – Alley 75.04 feet, Hallock/Stoddard Alley

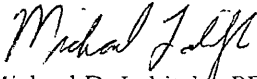
Mr. DeLucio,

This letter is in response to your request to vacate an existing alley southeast of Walnut Street between 4th Street and 5th Street for 75.04 feet from Walnut Street Right-of-Way. The Evansville Water and Sewer Utility (EWSU) have the following requirements:

A 18" combination sewer line exists in this corridor. This sewer crosses into Walnut Street and serves property northwest of Walnut Street. The EWSU requires a sewer easement centered over the existing sewer line that is as wide as the sewer line depth (rounded up to the nearest 5 feet) through the corridor.

If you have any questions, please call me at 421-2130 x2228.

Sincerely,


Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering



ZIEMER STAYMAN
WEITZEL SHOULDERS & PARTNERS, LLP
ATTORNEYS AT LAW

100 NW FIRST STREET, NINTH FLOOR, PO BOX 918
EVANSVILLE INDIANA 47706-0918
PHONE 812 424 7575 FAX 812 421 5022
ZSWS.COM

August 11, 2015

VIA E-MAIL: mlabitzke@ewsu.com

Evansville Water / Sewer Utility
Michael D. Labitzke, P.E.
Deputy Director of Utilities – Engineering
P.O. Box 19
Evansville, Indiana 47740

RE: Evansville Health Realty, L.L.C. –
Petition for Vacation of Right-of-Way – Hallock/Stoddard Alley

Dear Mr. Labitzke:

A Petition for Vacation will be filed on behalf of Evansville Health Realty, L.L.C. to vacate the public way known as Hallock/Stoddard Alley, in the County of Vanderburgh, Indiana. A site plan and legal description of the area to be vacated are enclosed herewith.

Please let me know as soon as possible whether the above-described property to be vacated is subject to an easement in favor of Evansville Water & Sewer and if so, please provide me with the required easement language.

Should you have any questions or concerns with this matter, do not hesitate to contact me.

Very truly yours,

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

A handwritten signature in black ink, appearing to read "M. DeLucio".

Marco L. DeLucio
Attorney for Petitioner

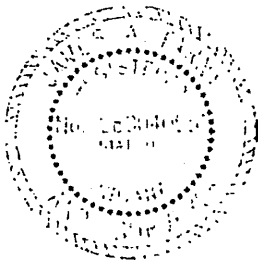
Enclosure

9.50 FOOT ALLEY VACATION DESCRIPTION
BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION
MARCH 24, 2015

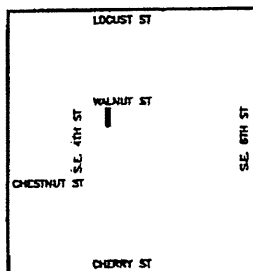
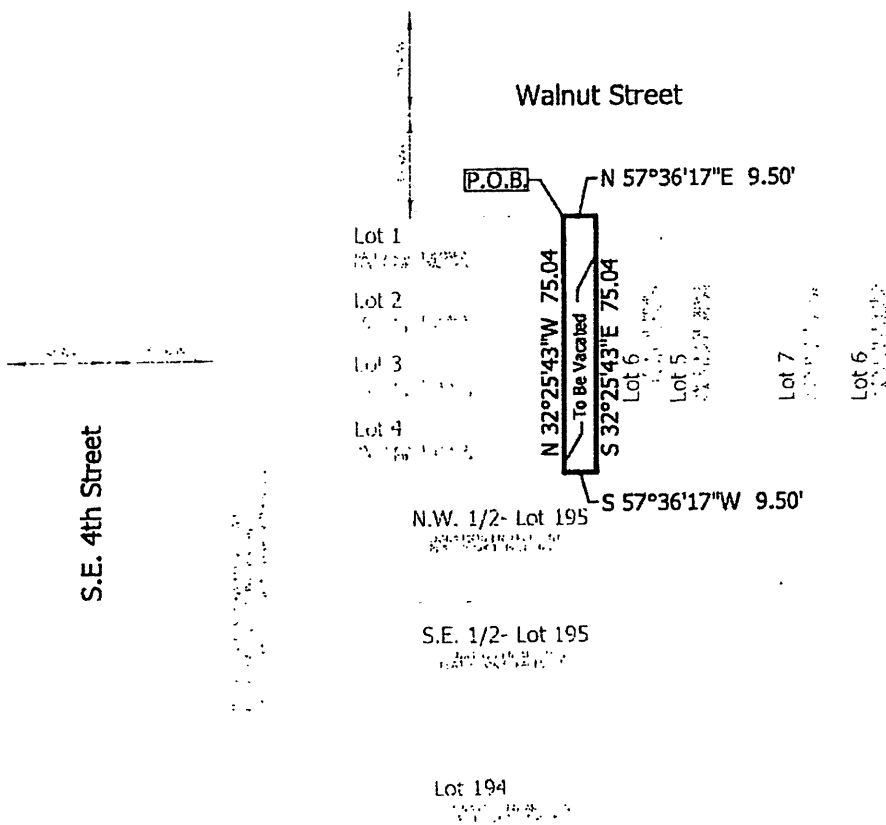
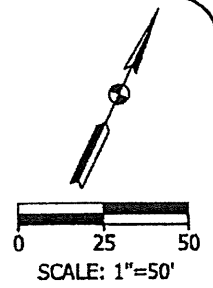
All of the alley that lies south of Walnut Street between Lots 1 through 4, inclusive, and Lot 6 of Hallock and Stoddard Subdivision of Lot 196 in Donation Enlargement of the City of Evansville, as per plat thereof, recorded Plat Book A, page 200 and transcribed of record in Plat Book E, page 206 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described by metes and bounds as follows:

BEGINNING at the northern-most corner of Lot 1 in Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement; thence North 57 degrees 36 minutes 17 seconds East 9.50 feet along the southeasterly right-of-way of Walnut Street to the westerly-most corner of Lot 6 in said subdivision; thence South 32 degrees 25 minutes 43 seconds East 75.04 feet along the southwesterly line of Lot 6 to a point at the southerly-most corner of said Lot 6, also being on the northwesterly line of Lot 195 of Donation Enlargement; thence South 57 degrees 36 minutes 17 seconds West 9.50 along said northeasterly line of said Lot 195 to the easterly-most corner of Lot 4 of Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement; thence North 32 degrees 25 minutes 43 seconds West 75.04 feet along the northeasterly line of Lots 4 through 1 of said Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 2015.



James A. Farny, P.S.
Indiana Registration No. 580040051



<div style="text-align: center;"> 9.50 FOOT ALLEY VACATION DRAWING BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION </div>				DRAWN BY: D.A.G.		DATE: 3/24/15
				CHECKED BY: J.A.F.		SCALE: 1"=50'
				LOCK GROUP PROJECT NO. 114-0070		
ISSUED 0	REVISION NO.	DATE	<div style="text-align: center;"> LOCHMUELLER GROUP 6200 Vogel Road Evansville, Indiana 47715 Phone: 812.479.6200 Toll Free: 800.423.7411 </div>			



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

August 12, 2015

Ziemer Stayman Weitzel Shoulders LLP
Attn: Marco Delucio
20 NW First St. 9th Floor – PO Box 916
Evansville, IN 47706

Re: Petition to Vacate a portion of an existing alley lying between Lots 1-4 and Lot 6 in Hallock and Stoddard Subdivision in the City of Evansville, Vanderburgh County, Indiana and further described and shown on the attached exhibits.

Petitioner: Evansville Health Realty, L.L.C.

Dear Mr. Delucio:

Engineering representatives for Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana ("VEDI") have researched the above location requested for vacation and there are currently existing electric distribution facilities within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric line:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land, as shown on the attached drawing, made a part hereof, and marked Exhibit "A", together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing for our records.

Sincerely,

Colby Morris, SR/WA
Land Services, Right of Way Agent
Vectren Energy Delivery of Indiana
(812) 491-4785

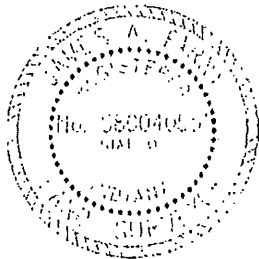
EXHIBIT "A"

9.50 FOOT ALLEY VACATION DESCRIPTION
BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION
MARCH 24, 2015

All of the alley that lies south of Walnut Street between Lots 1 through 4, inclusive, and Lot 6 of Hallock and Stoddard Subdivision of Lot 196 in Donation Enlargement of the City of Evansville, as per plat thereof, recorded Plat Book A, page 200 and transcribed of record in Plat Book E, page 206 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described by metes and bounds as follows:

BEGINNING at the northern-most corner of Lot 1 in Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement; thence North 57 degrees 36 minutes 17 seconds East 9.50 feet along the southeasterly right-of-way of Walnut Street to the westerly-most corner of Lot 6 in said subdivision; thence South 32 degrees 25 minutes 43 seconds East 75.04 feet along the southwesterly line of Lot 6 to a point at the southerly-most corner of said Lot 6, also being on the northwesterly line of Lot 195 of Donation Enlargement; thence South 57 degrees 36 minutes 17 seconds West 9.50 along said northeasterly line of said Lot 195 to the easterly-most corner of Lot 4 of Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement; thence North 32 degrees 25 minutes 43 seconds West 75.04 feet along the northeasterly line of Lots 4 through 1 of said Hallock & Stoddard Subdivision of Lot 196 in Donation Enlargement to the POINT OF BEGINNING.

Witness my hand and seal this 25th day of March, 20 15.



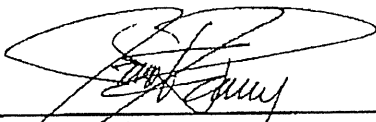
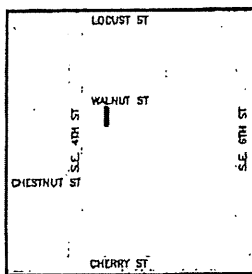
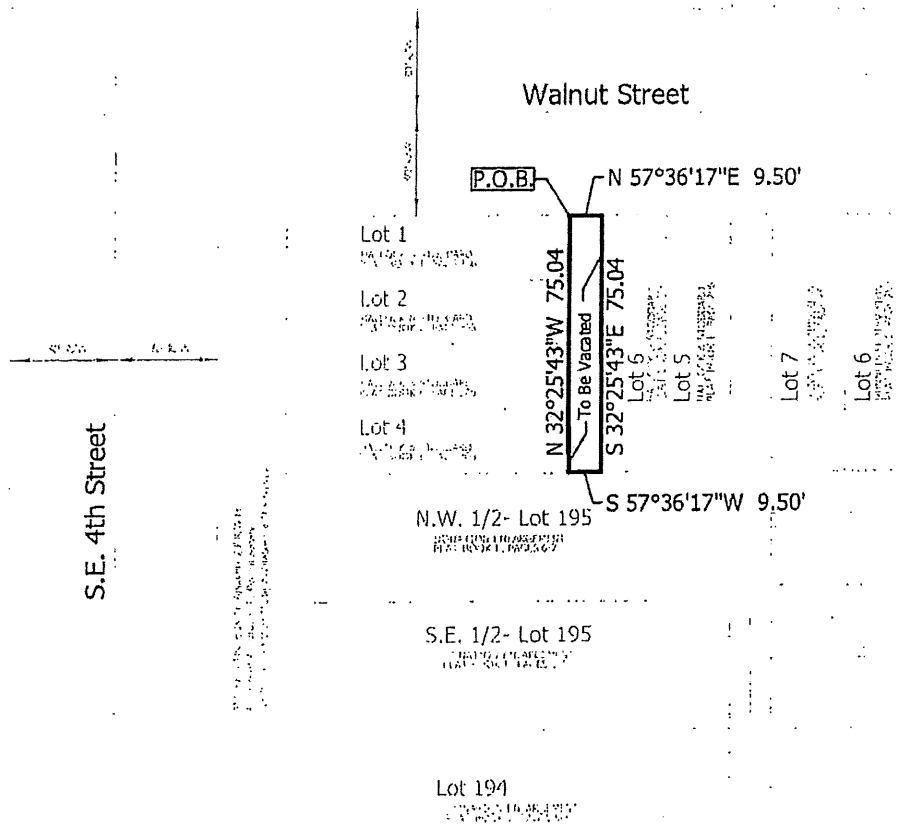
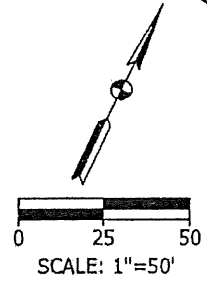

James A. Farny, P.S.
Indiana Registration No. S80040051

EXHIBIT "A"



9.50 FOOT ALLEY VACATION DRAWING BETWEEN LOTS 1-4 & 6 IN HALLOCK & STODDARD SUBDIVISION			DRAWN BY: D.A.G.		DATE: 3/24/15
			CHECKED BY: J.A.F.		SCALE: 1"=50'
ISSUED: 0			LOCHMUELLER GROUP 6200 Vogel Road Evansville, Indiana 47715 Phone: 812.479.6200 Toll Free: 800.423.7411		
REVISION:	NO.	DATE	LOCH. GROUP PROJECT NO. 114-0070		